

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 1:19-CR-025-2

v.

Hon. Robert J. Jonker
Chief U.S. District Judge

MOHAMED SALAT HAJI,
A/K/A SALAMUJAHID ALMUHAJIR,

Defendant.

_____ /

GOVERNMENT'S SENTENCING MEMORANDUM

Defendant Mohamed Salat Haji ("Haji") is a 28-year-old Lansing resident who pledged his allegiance to the foreign terrorist organization Islamic State of Iraq and al-Sham ("ISIS"), communicated discreetly with his co-defendants, attempted to recruit another person to leave the United States and join ISIS overseas, helped his cousin (co-defendant Muse Muse) purchase flights to Somalia, discussed his own plan and timeline to travel to Somalia in support of ISIS, and traveled with Mohamud Muse and Muse Muse to the airport for Muse Muse's first flight to join and wage jihad for ISIS. Law enforcement thwarted the conspiracy to provide material support for ISIS, arresting Haji, Mohamud Muse, and Muse Muse at the Gerald R. Ford International Airport after Muse Muse tried to pass through the TSA checkpoint. Haji chose to devote himself to a terrorist organization dedicated to the murder of Americans and other "infidels." He wrote about his support for ISIS and submitted his pledge of allegiance to ISIS along with his two cousins.

To adequately protect the public and impose sufficient punishment to deter future acts of terrorism, the Government seeks a prison sentence of 240 months and a lifetime of supervised release. A 20-year sentence would reflect the extremely serious nature of Haji's terrorism offense, provide just punishment for his conduct, deter and prevent him from resuming his activities in support of radical Islamic terrorist ideology, and deter others from seeking to join and serve violent terrorist groups such as ISIS.

BACKGROUND

Between January 2017 and January 21, 2019, Haji conspired with his co-defendants Mohamud Muse and Muse Muse to provide material support and resources, including personnel, to ISIS. Haji knew that ISIS was a designated foreign terrorist organization and engaged in terrorist activity.

Throughout the conspiracy, Haji participated in numerous conversations with his co-defendants about the virtues of ISIS and the desire to travel to Somalia to join ISIS, which is referred to as making "hijra." Haji, Mohamud Muse, and Muse Muse all adopted fighter ("kunya") aliases by which they would be known when fighting in Somalia for ISIS. Haji chose the kunya alias "Salamujahid Almuahajir" and caused the creation of a Facebook account in that name on November 18, 2018. Haji recorded a bayah video (a pledge to ISIS) on October 30, 2018, that was submitted to individuals the defendants believed represented ISIS.

In December 2018, Haji and Muse Muse traveled from Lansing, Michigan to Benton Harbor, Michigan to meet an individual whom they believed was a potential ISIS fighter recruit and traveler to Somalia. While in Benton Harbor with the ISIS

recruit, Haji and Muse Muse recorded a video of a bayah pledge made by the ISIS recruit and sent the video to an individual they believed to be an ISIS fighter. They sent two additional video recordings to the same ISIS fighter regarding their recruitment accomplishment.

In December 2018 and January 2019, Haji and Mohamud Muse discussed their plans and timeline to travel to Somalia in support of ISIS. Haji and Mohamud Muse agreed to leave together shortly after Muse Muse.

Between December 2018 and January 2019, Muse Muse coordinated with an individual he believed to be a Somali ISIS fighter to receive \$1,200 in \$300 increments through the MoneyGram currency transfer service. Muse Muse picked up \$300 from MoneyGram on January 4, 2019 and arranged for Haji and Mohamud Muse to each pick up \$300 from MoneyGram on January 5, 2019 and pass it to Muse Muse. On January 5, 2019, Haji picked up \$300 from MoneyGram and passed it to Muse Muse. On January 7, 2019, Muse Muse used those MoneyGram funds and some of his own funds to purchase tickets for a series of airline flights, the first of which departed on January 21, 2019 from Grand Rapids, Michigan. Muse Muse's final destination was Mogadishu, Somalia, where he believed he would meet an ISIS representative.

On January 21, 2019, Haji, Mohamud Muse, and Muse Muse all traveled by automobile from Lansing to the Gerald R. Ford International Airport in Grand Rapids to attempt to help Muse Muse join ISIS in Somalia. Mohamud Muse drove the other two and parked the vehicle in the short-term lot. Haji, Mohamud Muse, and Muse Muse all entered the terminal together. Muse Muse proceeded to the

airline ticket counter, obtained a boarding pass for his scheduled flight, checked one bag, and proceeded to the TSA security checkpoint. As Muse Muse was completing the TSA security process, he was arrested in the airport terminal by the FBI. Shortly thereafter, Haji and Mohamud Muse were arrested in the airport terminal.

DISCUSSION

On June 9, 2021, Haji pleaded guilty to conspiring to provide material support to the designated foreign terrorist organization ISIS, pursuant to a plea agreement with the Government (R.205: Plea Agrm't, PageID.1955-1964). Under the terms of the Plea Agreement, the parties stipulated to application of the terrorism enhancement in USSG § 3A1.4 and a lifetime term of supervised release. (*Id.*, PageID.1959.) The statutory maximum sentence of imprisonment this Court may impose is 20 years.¹

I. The Advisory Guideline Sentence is 240 Months of Imprisonment.

The United States has no objection to the advisory federal Sentencing Guideline calculations in the revised presentence investigation report ("PSR") filed on September 13, 2021. (R.231: PSR, PageID.2239-2268.) The Guidelines call for a 240-month prison sentence (the statutory maximum) and up to a lifetime of supervised release.

The offense level is calculated as follows:

- The Guideline that applies to a violation of 18 U.S.C. § 2339B is USSG § 2M5.3(a), which yields a base offense level of 26. (PSR, ¶ 80.)

¹ In 2015, Congress increased the statutory maximum penalty for violating Section 2339B from 15 years to 20 years in prison, which expresses the legislature's view on the severity of this offense and the need to adequately punish those who commit it.

- Pursuant to USSG § 3A1.4(a), because the offense is a felony that involved, or was intended to promote, a federal crime of terrorism, 12 levels are added. The adjusted offense level for Count 1 therefore is 38. (PSR, ¶¶ 82, 85.)
- Assuming Haji continues to demonstrate acceptance of responsibility prior to the imposition of sentence, see USSG § 3E1.1(a), and because he timely notified authorities of his intention to plead guilty, *see id.* § 3E1.1(b), the offense level is decreased by three levels. (PSR ¶¶ 87-88.)
- The total offense level is 35. (*Id.* ¶ 89.)

Haji has one unscored conviction from May 2018 for failure to display a valid license, and one pending charge of Disorderly-False Identification to Police for which Haji provided an alias name and date of birth to the responding officers. (*Id.* ¶¶ 93-94, 98.) Because the offense involved a federal crime of terrorism, the applicable criminal history category is VI, pursuant to USSG § 3A1.4(b). (*Id.* ¶ 96.) A total offense level of 35 and a criminal history category of VI result in a Guideline range of 292 to 365 months' imprisonment. However, the statutory maximum term of imprisonment for a conviction on Count 1 is 20 years in prison. When the statutory maximum sentence is less than the minimum of the applicable Guideline range, the maximum sentence is the Guideline sentence. *See* USSG § 5G1.1(a). Accordingly, the advisory Guideline sentence is 240 months in federal prison.

II. The Statutory Sentencing Factors Call for a Sentence of 240 Months of Imprisonment.

A. The Nature and Seriousness of Defendant's Conduct and the Need for Just Punishment Warrant a Substantial Custodial Sentence.

The indisputably serious nature of Haji's conduct, and the need to impose just punishment, weigh decidedly in favor of a custodial sentence of 240 months.

See 18 U.S.C. § 3553(a)(1), (a)(2)(A). Haji, a naturalized U.S. citizen born in Kenya, arrived in the United States as a minor with his family as refugees from Somalia. Nonetheless, Haji chose to devote himself to a brutally violent terrorist group that is dedicated to murdering U.S. citizens and attacking U.S. interests here and abroad.

The first signs of Haji's radicalization appeared in early 2017 when he and Mohamud Muse discussed joining ISIS and fighting jihad. That radicalization advanced and persisted until his arrest in January 2019. Haji actively engaged Muse Muse in the final months of the conspiracy to implement the plan for Muse Muse to travel to Somalia to join ISIS. It was Haji who found an Arabic speaker to record the bayah text into a video format for Haji, Mohamud Muse, and Muse Muse to use as a sample to record their own bayah videos. It was Haji who imposed the greatest operational security of the conspiracy – chatting privately on various encrypted and unencrypted social media accounts with his co-conspirators. And it was Haji who demanded an in-person meeting with a potential ISIS recruit and traveler (an undercover law enforcement officer) to Somalia. Haji traveled with Muse Muse to Benton Harbor, Michigan to vet the ISIS recruit in person and record his bayah pledge video. The only reason all three defendants failed in their attempt to join ISIS to further its deadly and destructive mission was the FBI's successful infiltration of this group.

As the facts set forth above and in the PSR make clear, Haji was fervently devoted to ISIS's violent ideology and he was willing to die for ISIS. For example:

1. Haji and Mohamud Muse Radicalize in 2017 over ISIS Videos.

As early as January 2017, Haji and Mohamud Muse discussed their mutual support for “Dawla,”² the Islamic State (“I.S.”), and its videos where prisoners are burned alive (Sent. Ex. 1).³ On January 20, 2017, in private social media messaging with Mohamud Muse, Haji indicated “I’m ready for Dawla” and found funny the scenario of throwing fuel on an ISIS prisoner who had already been set on fire. (*Id.*) Haji and Mohamud Muse discussed ISIS videos in February 2021, with Haji relaying that new videos will soon be released, asking for “news with Dowla,” and exhorting Mohamud Muse to “[b]ring me new videos.” (Sent. Ex. 2.) In response to Haji in June 2017 predicting that “we are next to step upon the battle field [sic],” Mohamud Muse indicated that he would speak to “a mujahid soon”⁴ and Haji responded “Dowlatul Islam.”⁵ (Sent. Ex. 3.)

2. Haji and Muse Celebrated a New York Vehicle Attack.

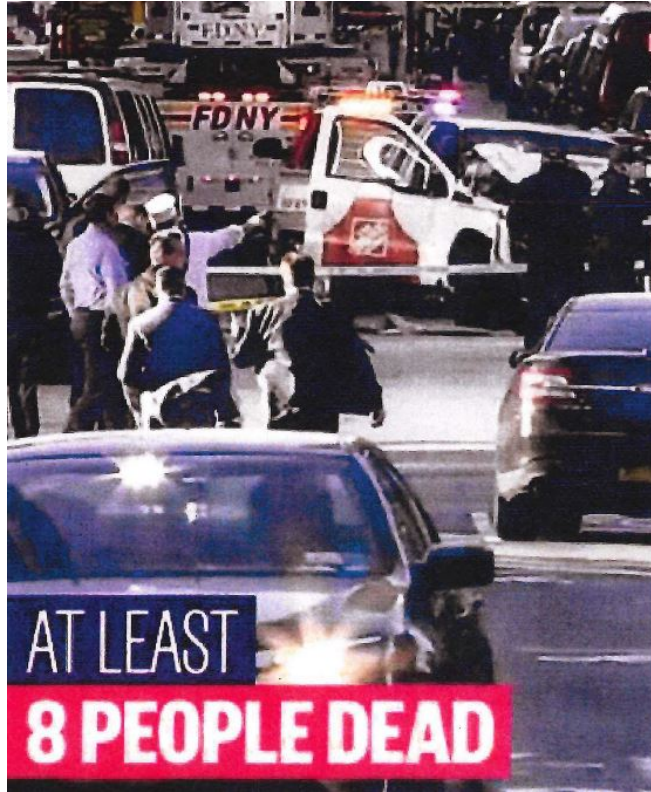
On November 1, 2017, Muse sent Haji a private message with an image of the deadly truck attack in New York City that occurred on October 31, 2017:

² *Dawla/Dawlah/Dowla* is the Islamic State of Iraq and al-Sham (ISIS).

³ One of Mohamud Muse’s Facebook accounts used the name “Mohamud A Musa.” One of Haji’s Facebook accounts used the name “Ibrahim Mohamed Salat.”

⁴ *Mujahid* means someone who carries out Jihad; a holy warrior.

⁵ Another name for ISIS is DAESH, an acronym for *Dawlatul-Islam Fil-Iraqi wash-Sham*.



Haji replied, “Real civil war” and Muse Muse responded that if this did not wake the people up nothing would. Haji responded, “Yeahh I’m ready inshAllah⁶ ... This is a call for hijra.⁷ We can’t live here I’m trynna plan for hijra now.” (Sent. Ex. 4.)⁸

3. Haji and Muse Muse Discussed Hijra and Dawlah.

On February 1, 2018, and on many other occasions, Haji and Muse Muse communicated about leaving the United States to fight for ISIS. On February 1, Muse Muse noted in a private Facebook message to Haji, “Little by little bro and soon will be in dawlah.” Haji replied, “inshaAllah 100%” and “Out of here” and “Hijra.” (Sent. Ex. 5.)

⁶ *InshAllah/Inshallah* means God willing; if God wills it.

⁷ *Hijra*, as used by the defendants and other extremists, refers to a foreign fighter’s migration from his country of origin to join and fight in a terrorist-held area.

⁸ Certain Facebook records appear in reverse chronological order as reflected in the UTC time stamps.

4. Haji and Muse Muse Monitored and Discussed ISIS Videos.

On March 1, 2018, and at various other times during the conspiracy, Haji and Muse Muse communicated in private social media messaging about videos ISIS was posting on the Internet. On this particular occasion, Haji noted that, “I’m still supporting the state,” to which Muse Muse replied, “same here.” Haji indicated that ISIS has new videos, and Muse Muse commented, “seen them.” Haji and Muse Muse proceeded to discuss ISIS opening new caliphates, with Haji highlighting Somalia as a new area for ISIS expansion and making headquarters in Al-Shabab territory. (Sent. Ex. 6.)

5. Haji Discussed Jihad Training on “Kuffar” Infidels.

On March 28, 2018, and several other times during the conspiracy, Haji and Muse Muse communicated privately on Facebook about killing “kuffar.”⁹ Haji sent a photograph of a slaughtered goat to Muse Muse and wrote, “Yeahh next time I want to catch kuffar and do my jihad training on them” and “That will be in Dowla” followed by “inshaAllah.” Muse Muse responded, “Hahaha inshaalah.” (Sent. Ex. 7.)

6. Haji and Muse Muse Discussed Joining ISIS.

Haji and Muse Muse exchanged private messages on Facebook glorifying and celebrating ISIS beheading videos. Muse Muse messaged Haji on April 28, 2018, telling Haji that “dawlah has a new video.” Haji replied “I’m at work now I will enjoy it later.” The next day, Haji followed up with Muse Muse, “I saw them dowla videos are very hot and alhamdullillah¹⁰ we need more of those very aggressive and

⁹ *Kuffar* refers to individuals who do not believe in radical Islamic extremism.

¹⁰ *Alhamdulillah* means Praise God.

making you want to be in them and getting victory inshaAllah.” Muse Muse responded, “your absolutely right, seeing those heads getting cut off heals the hearts wallahi¹¹ and makes me want to be with them more may allah make us steadfast upon this manhaj until we are in the ranks of the Khilafah¹² and until we die.” (Sent. Ex. 8.) Haji agreed, “Amiin inshaAllah.” (*Id.*) Two weeks later, Muse Muse messaged Haji and stated that “[n]othing that was said today can cause to abandon this path bro” Haji responded, “I want that shaheed inshallah by Allah.”¹³ (Sent. Ex. 9.)

7. Haji and Muse Muse Wanted the “Kuffar” Dead.

On July 5, 2018, in response to a photograph regarding the martyrdom of ISIS leader Abu Bakr al-Baghdadi’s son in an anti-Syrian operation, Haji replied, “Kuffar I want to kill one inshaAllah one day” and “my days are coming I want a lot of this kuffar dead.” Muse Muse responded, “Same here akhi¹⁴” and “May Allah make for us the way.” Haji also wrote, “I wish Allah could bless me with 1000 kids for dowla wallahi I will want them in there.” Muse Muse responded: “And Inshallah it will be us and our children soon.” (Sent. Ex. 10.)

8. Haji Advocated for a Domestic Attack to Support ISIS.

On August 17, 2018, Haji and Muse Muse exchanged more messages about killing people who do not share their extremist religious views. As part of the exchange, Muse Muse wrote the following to Haji: “Hijrah is the only think [sic]

¹¹ *Wallahi* means I swear to God.

¹² *Khilafah* means a caliphate, an Islamic state.

¹³ *Shaheed* means a Muslim martyr, someone who dies a hero carrying out jihad.

¹⁴ *Akhi* means brother.

that can save us unless we do an istishadi¹⁵ operation on these kuffar.” Haji agreed, Wallahi Allahu Akbar these munafiqs.¹⁶

Author Ibrahim Mohamed Salat (100001566575469)

Sent 2018-08-17 04:05:46 UTC

Body Wallahi Allahu akbarr these munafiqs

Author Muse Muse (100005073430379)

Sent 2018-08-17 04:04:41 UTC

Body Hijrah is the only think that can save us unless we do an istishadi operation on these kuffar

Author Ibrahim Mohamed Salat (100001566575469)

Sent 2018-08-17 04:03:18 UTC

Body Yes that's true but it's crazy how things are changing slow very slow little by little akhii

(Sent. Ex. 11.) This exchange demonstrates that Haji, along with Muse Muse, believed that he had two choices: travel to join ISIS or die a heroic death in the name of ISIS by committing a martyrdom operation in the United States against the non-believers.

9. Like Muse Muse, Haji Wanted to Run Down Infidels.

On August 31, 2018, Haji and Muse Muse celebrated Muse Muse's recent acquisition of a Michigan driver's license. Haji began, "You're a driver now" and "mashaAllah¹⁷ that's good so you can drive that stashahadi [sic] car right." Muse Muse responded, "Yes Inshallah." Haji replied, "On this kufarr" and "Wallahi I'm ready to meet Allah." Muse Muse in turn stated "bro I've been thinking about getting a rifle and something" and "I'm starting to entertain these thoughts." Haji responded, "Hahahhee easy inshaAllah lets jus go to dowla together and do our

¹⁵ *Istishad/Istishadi* means martyrdom; a heroic death.

¹⁶ *Wallahi* means I swear to God. *Munfiqin* means non-extremist Muslims and others whose killing is justified.

¹⁷ *MashAllah/MashaAllah* means it was God's will.

things there here is jus only us so the bigger the better.”

In response to Muse Muse talking about “going to Somalia right now” but being careful of being watched on Facebook, Haji replied, “Yes they are they are [sic] tightening the web up,” “they read all our stuff,” and “They even track us.” Muse Muse responded, “I’m not surprised lakini [but] I would be pissed if I tried to Somali and they put me on the no fly list,” and “Then it would be jihad on their land.” Haji laughed, told Haji to “move slowly,” and noted **“InshaAllah they will jus [sic] know a car pass by for istashahadi operation.”** (emphasis added).

(Sent. Ex. 12.)

10. Haji Planned to Kill Kuffar for Fun and Travel Soon.

On November 4, 2018, Muse Muse advised Haji that the war against “kuffar” would not end until their lands were invaded. (Sent. Ex. 13.) Haji replied, “They will soon know” and envisioned a role for his children in this operation: “I make sure my kids have this portion on killing kuffar for fun take em to the blazing fire.” (*Id.*) Haji and Muse Muse also discussed their timeline for remaining in the United States before traveling to fight for ISIS. Haji indicated, “I’m not sure but I don’t want to be here for long.” (*Id.*) Haji relayed the same near-term timeline for travel in support of ISIS to the individual he believed was an ISIS recruiter: “I have family akhi I’m going to give them warnings then I’ll make my hijrah inshaAllah.” (Sent. Ex. 14.)¹⁸

¹⁸ One of Haji’s Facebook accounts used the name “Salamujahid Almuahajir.”

11. Haji Privately Advertised his Skills to ISIS.

In November 2018, Haji advised another individual whom he believed to be an ISIS fighter in Somalia that he had a number of skills to offer: “I can do a lot . . . I can work with computer I can fight hands boxing and I have mess with guns but I feel like I need more training on that InshaAllah and I can teach the Quran and it’s recitation and meaning in English” (Sent. Ex. 15.) Haji also relayed in December 2018 that he had used a pistol but needed training on use of a rifle. (Sent. Ex. 16.)

12. Haji Extensively Vetted his Recruit.

Haji went to great lengths to vet an individual that he believed was an ISIS recruit and potential traveler to Somalia. Haji assessed the recruit’s personal qualities as an ISIS fighter and video-recorded the recruit’s pledge of allegiance to ISIS for submission to an individual the Haji believed was an ISIS recruiter. On December 4, 2018, Haji discussed the recruit’s bona fides with Muse Muse over a cellular phone text message exchange. “People like this what do you think about them?? I have already told them I’m 100% fighting with the dowlah.” (Sent. Ex. 17.)¹⁹ Muse Muse responded with a request for a final judgment call on recruiting this individual: “What do you think of him in the end bro, is he pro-dowlah or anti-dowlah.” (*Id.*) On December 6 and 7, 2018, Haji requested an in-person meeting with the recruit and texted Muse Muse that they would assess him in person.

¹⁹ Sentencing Exhibits 17, 18, and 19 are all SMS text message extraction reports from Muse Muse’s telephone and represent text message exchanges between Haji and Muse Muse. As with certain Facebook records, the conversation appears in reverse chronological order.

(Sent. Ex. 18.) On December 11, 2018, Haji and Muse Muse continued this vetting conversation by text message exchange. Muse Muse asked if the plan was to “check his akida and take the bayah.”²⁰ Haji replied, “Yes. And the rest is to pay attention to him if he’s ready for hijra.” (Sent. Ex. 19.)

In sum, Haji was committed to advancing ISIS’s mission of violence, aiding the cause by discussing ISIS news with Mohamud Muse and playing a critical role in vetting and recruiting a traveler to aid Muse Muse on his journey to Somalia. That none of the defendants ever succeeded in actually joining ISIS overseas or committing murderous violence in its name does not ameliorate their expressed intent and firmly held desire to do so. There is no doubt that Haji, Mohamud Muse, and Muse Muse all fully intended to carry out their mission. Haji and Mohamud Muse were at the airport seeing Muse Muse off for this mission. The fact that law enforcement was able to prevent three American citizens from joining ISIS is a testament to the efforts and diligence of the FBI, not a mitigating factor for Haji.

B. A Custodial Sentence of 240 months is Necessary to Protect the Public from Further Terrorism Crimes.

The need to protect the public from further crimes of this defendant is a paramount consideration here, and strongly supports imposition of a 240-month sentence. *See* 18 U.S.C. § 3553(a)(2)(C). Terrorism crimes carry a higher risk of recidivism and rehabilitation of terrorism defendants like Haji is difficult. *United States v. Meskini*, 319 F.3d 88, 91-92 (2d Cir. 2003) (noting the link between the “difficulty of deterring and rehabilitating” terrorism defendants and the conclusion

²⁰ *Akida* means those matters believed in with certainty and conviction.

that “terrorists and their supporters should be incapacitated for a longer period of time”). Although this Court previously cited *United States v. Alhaggagi*, 372 F.Supp.3d 1005, 1012-1017 (N.D. Cal. 2019), for the proposition that it is inappropriate to automatically increase a defendant’s criminal history category on what that court deemed “unsubstantiated assumptions about recidivism,” the section 3553(a) factors call for a lengthy prison sentence in this case to achieve the goals of protecting the public and punishing this Defendant for his crime.

Haji discussed with Muse Muse a vehicle martyrdom operation in the United States where a car is used to run down a number of pedestrians. No weaponry purchases are needed for such an attack in the name of ISIS beyond a vehicle and a driver’s license. Nor was the purchase of weaponry practical in this offense, as the primary destination for jihad was Somalia and air travel is the only viable means of transport from the United States. All three defendants recognized that weaponry would not readily pass through the TSA checkpoint and that weaponry could be obtained in Somalia upon arrival. The terrorism offenses discussed by the defendants – domestic or abroad – all have such a dramatic impact on the population that Section 3553(a) dictates a higher sentence consistent with the Guideline Section 3A1.4 terrorism enhancement and its corresponding increase in Haji’s criminal history category. Additionally, there is no indication that Haji has given up the worldview of ISIS or its goals, and thus recidivism remains a paramount concern more so than nearly any other federal offense.

Haji’s commitment to ISIS and the radical Islamist terrorist theology that it espouses firmly supports the Government’s view that he should be incarcerated for

the advisory Guideline term of 240 months. Haji is fully capable of resuming support for ISIS and radical Islamic theology upon his release from confinement and there is no indication that he has disavowed his previously-stated goals of killing infidels in the name of ISIS. His conduct demonstrates that he may seek to resume his support for ISIS or another group espousing the anti-American terrorist ideology that he embraced for years before his arrest.

ISIS remains a serious threat to the United States and the global community. The 2021 Annual Threat Assessment of the U.S. Intelligence Community indicates that “ISIS and al-Qaeda remain the greatest Sunni terrorist threats to U.S. interests overseas; they also seek to conduct attacks inside the United States. . . . We see this lone-actor threat manifested both within homegrown violent extremists (HVEs), who are inspired by al-Qaida and ISIS” *See* Office of the Director of National Intelligence, “Annual Threat Assessment of the U.S. Intelligence Community,” April 9, 2021.²¹ The need to deter and prevent Haji from resuming his support for ISIS overwhelmingly militates in favor of a significant custodial sentence.

A period of lifetime supervised release also is called for in this case. Lifetime supervised release is needed in order to adequately protect the public from this ISIS supporter who casually chatted in December 2018 about killing “kuffar.” While the Government earnestly hopes Haji will be rehabilitated and renounce his commitment to wage violent jihad, the possibility of his permanent rehabilitation

²¹ Available at <https://www.dni.gov/files/ODNI/documents/assessments/ATA-2021-Unclassified-Report.pdf>.

will be enhanced by a requirement of lifetime supervised release where his conduct and treatment can be closely monitored.

C. A Sentence of 240 Months Will Avoid Creating Unwarranted Sentence Disparities.

Across the country, terrorism defendants who have attempted to travel, successfully traveled, or assisted another person in traveling to join and serve ISIS or other terrorist organizations have received substantial custodial sentences. A sentence of 240 months in this case is reasonable and warranted in order to avoid creating sentencing disparities across comparable terrorism cases. Section 3553(a)(6) is concerned with national disparities “among the many defendants with similar criminal backgrounds convicted of similar criminal conduct.” *United States v. Simmons*, 501 F.3d 620 (6th Cir. 2007), citing *United States v. Poynter*, 495 F.3d 349, 351-56 (6th Cir. 2007); *United States v. LaSalle*, 948 F.2d 215, 218 (6th Cir. 1991); *United States v. Parker*, 912 F.2d 156, 158 (6th Cir. 1990). *See also United States v. Rayyan*, 885 F.3d 436, 442 (6th Cir. 2018) (“§ 3553(a)(6) concerns national disparities within a class of similar defendants, not disparities between one defendant and another The district court was free to focus on the risks and circumstances of the defendant in front of him, not the one sentenced by another judge.”) (internal citation omitted).

D. A Sentence of 240 Months is Necessary to Afford Adequate Deterrence and to Promote Respect for the Law.

The Government’s recommended sentence is necessary in order to adequately deter criminal conduct – in this case, terrorism aimed at harming Americans and American interests – and to promote the law prohibiting such destructive conduct.

18 U.S.C. § 3553(a)(2)(A)-(B). “In no area can the need for adequate deterrence be greater than in terrorism cases, with their potential for devastating loss of innocent life.” *United States v. Stewart*, 590 F.3d 93, 181 (2d Cir. 2009) (Walker, J. concurring).

The capacity of a terrorist organization like ISIS to thrive hinges in large part on its ability to grow its membership – to attract, indoctrinate, and enlist new followers, like Haji – who are committed to advancing and serving ISIS’ murderous agenda or die trying. It is only through this support that ISIS and other terrorist groups are able to fulfill their missions of hate, murder, and violence. Deterring such conduct is particularly important in today’s environment, when so many young people in the West, including in the United States, have become radicalized by jihadist propaganda online and have either traveled or tried to travel to the Middle East to join ISIS and other terrorist groups.

It is vital for our country’s national security that other men and women who reside in the Western District of Michigan and elsewhere, when exposed to hateful extremist teaching, be deterred from choosing to follow to path similar to that of Mohamed Haji and his co-defendants and engaging in potentially devastating conduct in support of such groups. It is important for those contemplating joining a terrorist organization to know that the consequences for such conduct are serious. And it is important for the public to know that those who seek to join and support terrorist organizations will face serious punishment preventing them from causing harm to society. A lengthy prison sentence is necessary and warranted in this case to serve the pressing need for general deterrence.

CONCLUSION

For the forgoing reasons, the Government seeks an advisory Guideline sentence of 240 months in prison and a lifetime of supervised release for Haji.

Respectfully submitted,

ANDREW BYERLY BIRGE
United States Attorney

Dated: September 15, 2021

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